

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION**

Issacca Powell, et al.

PLAINTIFFS

V.

Bill Oldham, et al.,

DEFENDANTS

Melvin Ingram, et al.

PLAINTIFFS

V.

Robert Moore, et al.,

DEFENDANTS

No. 2:16-cv-2907-SHM-tmp

Consolidated with:

No. 2:17-cv-2015-SHM-dkv

No. 2:17-cv-2795-SHM-tmp

**INGRAM PLAINTIFFS' MOTION AND MEMORANDUM FOR AN
EXTENSION OF TIME TO FILE A CONSOLIDATED COMPLAINT**

Plaintiffs, *Melvin Ingram, et al.*, 2:17-cv-2795-SHM-tmp (“Ingram Plaintiffs”), by and through undersigned counsel, move the Court for an extension of time for their counsel, and counsel for the *Powell et al.* Plaintiffs (“Powell Plaintiffs”), 2:16-cv-2907-SHM-tmp, to confer and collaboratively draft a consolidated complaint, as ordered pursuant to the Court’s March 9, 2018 Order of Consolidation, ECF No. 89, 2:16-cv-2907, and state as follows:

1. On March 9, 2018, this Court filed its Order of Consolidation, ECF. No. 89, 2:16-cv-2907, (“March 9, 2018, Order”) in the Powell case, ordering the respective cases to be

consolidated, and the Ingram Plaintiffs and Powell Plaintiffs to file a consolidated complaint within 30 days.

2. The Plaintiffs' counsel on Ingram and Powell need additional time to confer regarding this consolidated complaint because Ingram's counsel were only notified of the Court's March 9, 2018 Order on April 6, 2018, when Powell's counsel emailed them a proposed consolidated complaint.

3. Ingram's counsel did not learn of the Court's March 9, 2018 Order until April 6, 2018, because the Court's Order was only filed in *Powell, et al.* and not in *Ingram, et al.* and Ingram's counsel are not electronically notified by documents filed in Powell.

4. Although Ingram's counsel periodically checked the status of the Powell case, since the Court's stay on December 19, 2017, ECF No. 84, 2:16-cv-2907, Ingram's counsel were waiting for the Court to rule on Defendant's Motion to Consolidate Cases, ECF No. 27, 2:17-cv-2795, in the Ingram case. That ruling is still pending. As a result, Ingram's counsel were unaware of the Court's March 9, 2018 Order, because, respectfully, it was only entered in the Powell case.

5. As of April 6, 2018, both Ingram's counsel and Powell's counsel have begun good faith discussions regarding the forthcoming consolidated complaint and do not foresee that an extended period will be required to work out the details of the said complaint.

WHEREFORE, PREMISES CONSIDERED, counsel for the Ingram Plaintiffs respectfully request this Honorable Court allow an additional two weeks, until April 23, 2018, for the Ingram Plaintiffs and the Powell Plaintiffs to file their consolidated complaint in the consolidated case, *Powell et al. v. Oldham et al.*, 2:16-cv-2907.

Respectfully submitted,

s/Daniel Lofton

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CERTIFICATE OF CONSULTATION

On April 6, 2017, counsel for the Ingram Plaintiffs emailed counsel for the Powell Plaintiffs and Defendants regarding this motion. On April 7, 2018, Matt Gulotta, counsel for the Ingram Plaintiffs, discussed this motion with Frank Watson, counsel for the Powell Plaintiffs, and he does not oppose this motion. As of April 7, 2018, Defendant's counsel has not responded to Ingram Plaintiff's email. Although Ingram Plaintiffs' counsel would typically allow more than one day for a response to a consultation, due to the specifics of this situation, Ingram Plaintiffs' counsel feels they must file said motion expeditiously, and invite Defendants to respond if they oppose this motion.

s/Matt Gulotta

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the preceding document was forwarded by electronic means via the Court's electronic filing system to all parties of record.

s/Matt Gulotta